

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Anil K. AGARWAL, et al.

Attorney Docket A7046

Appln. No. 09/529,773

Group Art Unit: Not yet assigned

Confirmation No.: Not yet assigned

Examiner: Not yet assigned

Filed: April 20, 2000

For: A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE NETWORKS TO COMPENSATE FOR RAIN FADE

RENEWED PETITION UNDER 37 C.F.R. § 1.181

BOX PCT

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: PCT Legal Office

Sir:

Applicants renew their petition in response to the *Decision on Petition Under 37 C.F.R. § 1.181* dated August 14, 2001 (copy attached), denying the *Request for Withdrawal of Abandonment* filed on March 8, 2001. The grounds for the renewed petition are as follows.

Submitted with the REQUEST FOR WITHDRAWAL OF ABANDONMENT on March 8, 2001 were (1) a copy of all papers as filed on June 30, 2000; together with (2) a copy of the stamped PTO Mailroom receipt. However, the copy of the mailroom receipt was partially obliterated by the copy of the check submitted, and this blocked out the USPTO Mailroom stamp clearly showing the documents referred to on the receipt were indeed filed on June 30, 2000.

It is further noted that the assignment referred to on the receipt, filed simultaneously with the declaration, was recorded with a recordation date of June 30, 2000, as evidenced from

Response to Decision on Petition Under 37 CFR 1.181
USSN 09/529,773

copies of Form PTO-1595 and the Notice of Recordation of Assignment Document submitted herewith.

In view of the above it is respectfully submitted that the application should not have been abandoned and the Assistant Commissioner is petitioned to withdraw the holding of abandonment.

Respectfully submitted,



David J. Cushing
Registration No. 28,703

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: September 14, 2001

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FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Anil K. AGARWAL, et al.

PCT/US98/21632

Appln. No. 09/529,773

Group Art Unit:

Filed: April 20, 2000

Examiner:

For: A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE
NETWORKS TO COMPENSATE FOR RAIN FADE

PAPER(S) FILED ENTITLED:

1. Submission of Executed Declaration (in duplicate) with executed
Declaration and Power of Attorney, copy of PTO Form
PCT/DO/EO/905, and PTO Check
2. Executed Assignment with PTO Form 1595 and PTO ☒

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3212
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

DOCKET NO.: A7046
ATTORNEY/SEC: DJC :kjc

Date Filed: June 30, 2000





SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N W
WASHINGTON, DC 20037-3213

DOCKETED

AUG 17 2001

In re Application of
AGARWAL et al.
Application No.: 09/529,773
PCT No.: PCT/US98/21632
Int. Filing Date: 20 October 1998
Priority Date: 20 October 1997
Attorney Docket No.: A7046
For: A METHOD FOR UPLINK POWER
CONTROL FOR DISTRIBUTED SATELLITE
NETWORKS TO COMPENSATE FOR
RAIN FADE

DECISION ON PETITION

UNDER 37 CFR 1.181

This is a decision on applicants' "Request for Withdrawal of Abandonment" filed on 08 March 2001 in the United States Patent and Trademark Office (USPTO) in the above referenced application and treated as a petition under 37 CFR 1.181. No petition fee is required. This is also in response to applicants' status inquiry filed on 28 June 2001.

BACKGROUND

On 30 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required.

On 23 February 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

On 08 March 2001, applicants submitted the instant petition treated as a petition under 37 CFR 1.181 with a copy of an itemized receipt and a copy of the declaration and assignment allegedly deposited on 30 June 2000.

DISCUSSION

A review of the USPTO application file reveals that said declaration is not contained therein. To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel provided an itemized receipt in the form of a transmittal letter, bearing a date-stamp "Filed JUN 30 2000". The letter indicates the submission of a declaration for 09/529,773. However, the date stamp on the itemized receipt does not conform with a USPTO date-stamp and appears to be a date-stamp affixed by the law firm to indicate the papers were filed.

The evidence submitted is insufficient to establish that the declaration for this application was received in the USPTO on 30 June 2000. Accordingly, it is inappropriate to accept the copy of the declaration as a replacement for the missing original declaration with a deposit date of 30 June 2000.

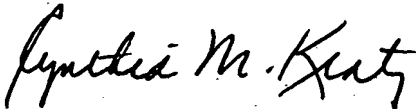
CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **DISMISSED** **WITHOUT PREJUDICE**.

The application remains **ABANDONED**.

Any reconsideration on the merits of this petition should be entitled "Renewed Petition under 37 CFR 1.181".

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/cmk

Telephone: (703) 306-5467